

Message Text

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ORIGIN COA-02

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FM SECSTATE WASHDC

TO AMEMBASSY BUCHAREST PRIORITY

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E.O. 11652: N/A

TAGS: EFIS, RO

SUBJECT: FISHERIES AGREEMENT

REFS: (A) BUCHAREST 4130 (B) BUCHAREST 4186

1. SUMMARY: GOR COUNTER-PROPOSAL APPEARS TO BE A ONE-SIDED NEGOTIATING GAMBIT WHICH SEEKS TO OBTAIN SIGNIFICANT CONCESSIONS FROM THE US IN RETURN FOR A GOR PROMISE TO MUTUALLY AGREE AT SOME FUTURE DATE ON THOSE TERMS OF INTEREST TO THE US. THIS TELEGRAM CONTAINS A COUNTER-PROPOSAL TAKING INTO CONSIDERATION GOR INTEREST IN PORT CALLS, EXCHANGE OF FISHING CREWS AND ESTABLISHMENT OF NAVROM AGENT IN US, MODIFICATION OF TERMS IN US BILATERALS WITH USSR AND POLAND WHICH ACHIEVED SINCE US INITIAL DRAFT OF JUNE 72 AND THE CHANGES WHICH HAVE TAKEN PLACE IN FISHING PATTERN.

2. WE WOULD APPRECIATE THE EMBASSY'S EVALUATION OF WHETHER THE GOR RESPONSE REPRESENTS A CALCULATED NEGOTIATING GAM-
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BIT OR SINCERE BUT NAIVE COUNTER-PROPOSAL.

3. AN ARTICLE BY ARTICLE ANALYSIS OF ROMANIAN COUNTER-PROPOSALS, WITH EXPLANATORY COMMENTS WHERE APPROPRIATE

FOLLOWS. THIS ANALYSIS IS MADE ON THE BASIS OF THE EM-BASSY'S UNOFFICIAL TRANSLATION IN REF TELEGRAM (A).

PREAMBLE: GOR ADDITION OF QTE TECHNICAL AND ECONOMIC END QTE

RESEARCH SEEMS TO SUGGEST MARKETING RESEARCH WHICH HAS NEVER BEEN PROPOSED OR CONSIDERED BY USG. REQUEST EMBASSY OBTAIN CLARIFICATION OF GOR OBJECTIVES.

ARTICLE 1: DELETE, ARTICLE IS UNNECESSARY.

ARTICLE 2: PARA 2.A. REQUEST CLARIFICATION OF TERMS AND OBJECTIVES OF ADDITION OF QTE TECHNICAL AND ECONOMIC END-QTE.

ARTICLE 3: GOR RESPONSE IS UNACCEPTABLE IN THAT IT STATES AN INTENTION TO ABIDE BY REGULATIONS ADOPTED BY ICNAF WHICH ARE BINDING ON GOR AND USG AND STATES AGREEMENT TO MUTUALLY AGREE TO OTHER MEASURES.

ARTICLE 4: NO COMMENT.

ARTICLE 5: WHILE WE ARE WILLING TO ACCEPT THIS LANGUAGE WHICH LEAVES TO THE FUTURE THE LOCATIONS OF LOADING ZONES, WE WANT IT UNDERSTOOD THAT THERE IS NO REASON FOR THE GOR TO ANTICIPATE THAT WE ARE PREPARED TO OFFER OR WILL NEGOTIATE LARGER OR ADDITIONAL LOADING ZONES THAN INDICATED IN ART. 4. OF US DRAFT WITHOUT ADDITIONAL QUID-PRO-QUO.

ARTICLE 6. PARA 1.: THE GOR HERE REQUESTS ENTRY TO ALL US PORTS ON THE BASIS OF 24 HOUR NOTICE FOR FISHING VESSELS, FISHERY RESEARCH AND QTE FREEZING TRANSPORT VESSELS END QTE. AS INDICATED IN ORIGINAL US DRAFT, ENTRY INTO ALL US PORTS NOT POSSIBLE. GOR IS REQUESTING ENTRY TO PORTS AND ON PERIODS OF NOTICE DENIED TO OTHER EAST EUROPEAN FISHING STATES. WE ARE PREPARED TO AGREE TO CALL OF GOR VESSELS AT TWO US PORTS ON BASIS OF LIMITED OFFICIAL USE
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FOUR DAYS NOTICE, AND REDUCTION TO 14 DAYS SUBMISSION OF VISA APPLICATIONS. FREEZING TRANSPORT VESSEL IS CONSIDERED TOO BROAD A TERM AS IT WOULD ENCOMPASS FREEZER TRANSPORT VESSELS WHICH HAD NO NEXUS WITH THE GOR FISHING FLEET. OUR PROPOSED TERM QTE FISHERY SUPPORT VESSEL ENDQTE WOULD ENCOMPASS FREEZER TRANSPORTS ENGAGED IN FISHERY SUPPORT ACTIVITIES.

PARA 2: USG WILLING TO CONSIDER EXCHANGE OF CREWS IN US PORTS. OTHER US BILATERALS DO NOT PROVIDE FOR THIS PROPOSAL. ITS EFFECT IS TO PROMOTE THE CONTINUED PRESENCE OF GOR VESSELS ON THE FISHING GROUNDS INCREASING ECONOMIC

RETURN TO GOR, INCREASING FISHING PRESSURE ON STOCKS AND INCREASING COMPETITION WITH US FISHERMEN TO LIMITED RESOURCES. OUR NEW PROPOSAL CONTAINS ADDITIONAL RESTRICTIONS

ON HIGH SEAS FISHING BY GOR VESSELS AS QUID PRO QUO FOR CREW EXCHANGE PROVISION. DETAILS ON PORT OF ENTRY AND DURATION OF LAYOVER CAN BE WORKED OUT DURING NEGOTIATIONS.

PARA 3: PARTICULARS TO BE AGREED AT NEGOTIATIONS.

ARTICLE 7: WE PROPOSE TO SUBSTITUTE LANGUAGE USED IN PARA. ELEVEN OF US-USSR FISHERIES AGREEMENT SIGNED JUNE 21, 1973, TIAS 7664 WHICH HAS ADVANTAGE OF NEGATING NEED FOR ANNEX. REMAINING ARTICLES SUBSTANTIVELY ACCEPTABLE AND SPECIFIC LANGUAGE CHANGES CAN BE DEVELOPED DURING NEGOTIATIONS.

4. IN CONSIDERATION OF CHANGED CIRCUMSTANCES SINCE US DRAFT PRESENTED TO GOR AND GOR COUNTER-PROPOSAL WE PROPOSE THE FOLLOWING MODIFICATIONS OF OUR DRAFT PROPOSAL AND THE ADOPTION OF NEW ARTICLES: (ALL ART NUMBERS REFER TO US DRAFT)

ART 2. PARA. 1.A.: CHANGE COORINATES TO READ.

NORTH LATITUDE.....WEST LONGITUDE

40-05.....71-40
39-50.....71-40
37-50.....74-00
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37-10.....74-29
36-30.....74-40
36-30.....74-48
37-10.....74-48
37-50.....74-25
38-24.....73-44
39-40.....72-32

PARA. 1.B.: ADD QTE BLUEFISH ENDQTE AND EXTEND PARA BY ADDING QTE EXCEPT FOR MENHADEN WHERE THE SOUTHERN BOUNDARY SHALL BE 30 DEGREES NORTH LATITUDE; ENDQTE.

PARA 1.C.: ADD QTE BLUEFISH ENDQTE.

NEW ARTICLE 3: IN ORDER TO AVOID EXCESS CATCHES OF BOTTOM FISH, WHEN SUCH SPECIES TEND TO CONCENTRATE IN COASTAL AREAS, THE GOR WILL LIMIT THE FISHING OPERATIONS OF ROMANIAN VESSELS TO MID-WATER TRAWLING, USING MID-WATER TRAWL DOORS INCAPABLE OF BEING FISHED ON THE BOTTOM, DURING THE PERIOD FROM JUNE 1 TO DECEMBER 31 IN THE AREA ADJACENT

TO THE UNITED STATES COAST NORTH OF 38 DEGREES 24 MINUTES
NORTH AND WEST OF A LINE CONNECTING THE FOLLOWING COORDIN-
ATES:

.....38-24.....73-44
.....39-40.....72-32
.....40-05.....71-40
.....41-00.....71-40

NEW ARTICLE 4: GOR FISHING VESSELS SHALL REFRAIN FROM
ENGAGING IN THE INTENTIONAL CATCHING OF LOBSTER OFF THE
COAST OF THE UNITED STATES NORTH OF CAPE HATTERAS, SHALL
TAKE APPROPRIATE MEASURES TO MINIMIZE INCIDENTAL CATCHES
OF LOBSTER IN SPECIALIZED FISHERIES FOR OTHER SPECIES,
AND SHALL RETURN TO THE SEA IN A VIABLE CONDITION ALL
LOBSTER TAKEN INCIDENTALLY INsofar AS POSSIBLE.

NEW ARTICLE 5. PARA 1.: THE GOR AGREES TO REQUIRE EVERY
VESSEL WHICH UNDER THE PROVISIONS OF ARTICLE 8 COULD BE
AUTHORIZED TO CONDUCT LOADING OPERATIONS, WITHOUT REGARD
TO WHETHER SUCH OPERATIONS ARE ACTUALLY CONDUCTED, TO
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TRANSMIT TO US COAST GUARD RADIO STATION BLANK ON FREQUENCY
BLANK AT BLANK GMT A REPORT TO BE IN THE FORMAT OF THE
ANNEX TO THIS AGREEMENT, WHICH ANNEX CONSTITUTES AN
INTEGRAL PART OF THE AGREEMENT.

PARA. 2.: THE GOR WILL INFORM USG OF THE NAMES, SPECIFI-
CATIONS AND FUNCTIONS OF ALL ROMANIAN VESSELS WHICH UNDER
THE TERMS OF ARTICLE 8 MAY CONDUCT LOADING OPERATIONS
WITHOUT REGARD TO WHETHER SUCH OPERATIONS ARE ACTUALLY
CONDUCTED. SUCH NOTIFICATION WILL BE MADE ONE MONTH PRIOR
TO THE ARRIVAL OF ANY SUCH ROMANIAN VESSEL IN THE WATERS
COVERED BY THIS AGREEMENT.

ARTICLE 7: DELETE FIRST SENTENCE.

RENUMBER OLD ART 3 AS 6, 4 AS 7, ETC.

5. US NEGOTIATING TEAM HAPPY TO WELCOME AND PREPARED TO
MEET WITH ROMANIANS BEGINNING NOV 27 IN PRELIMINARY DIS-
CUSSIONS. UNFORTUNATELY, AMBASSADOR MCKERNAN, CHIEF
NEGOTIATOR, UNAVAILABLE TO PARTICIPATE UNTIL LATE IN WEEK.
WE SUGGEST COMMENCING ON NOV 27 WITH EXCHANGE OF VIEWS
WITH OBJECTIVE OF REACHING AGREEMENT ON NON-CONTENTIOUS
ISSUES. WE ARE CONFIDENT THAT WHILE US DRAFT AND GOR
RESPONSE ARE WIDELY DIVERGENT, AGREEMENT CAN BE REACHED
IF GOR TEAM ARRIVES WITH FULL APPRECIATION THAT WE REQUIRE
INCLUSION OF DEFINITIVE TERMS AND THAT PROMISE TO AGREE
IN FUTURE IS UNACCEPTABLE. FURTHER WE ARE PREPARED TO

PROVIDE FOR PORT CALLS TO TWO US PORTS FOR GOR VESSELS

ON FOUR DAY NOTICE BASIS, BUT NO LESS NOTICE PERIOD POSSIBLE.

6. IN PRESENTING OUR REVISED DRAFT, IT SHOULD BE NOTED THAT IT IS BASED ON EMBASSY'S UNOFFICIAL TRANSLATION AND HAS BEEN HURRIEDLY CONSTRUCTED IN ORDER THAT GOR OFFICIALS WILL BE AWARE OF OUR REACTION TO THEIR COUNTER-PROPOSAL.

7. THESE POINTS DISCUSSED WITH NICOLAE IRINOIU, ROMANIAN EMBASSY, LATE FRIDAY. KISSINGER
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